

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully solicited.

Claims 1, 7, 14, 22, 28 and 35, all of the independent claims in this application, have been amended to clarify and emphasize those features that were implicit in these claims, especially in light of the Examiner's citation, for the first time, of the Kodosky patent (U.S. Patent 5,301,336). This amendment was not presented earlier because Kodosky had not been cited earlier. Accordingly, entry of this amendment is appropriate; and entry is respectfully requested.

Kodosky appears to be directed to a computer that is operated by a user for controlling the operation of various other pieces of equipment. While the computer may control the overall operation of the controlled pieces of equipment, there is no teaching of a processing web to control the signal processing operation within a particular piece of equipment, namely, a digital oscilloscope. Consequently, claims 1, 7, 14, 22, 28 and 35, all of which were rejected as being obvious in view of Kodosky, either alone or in combination with Sojoodi or in combination with Sojoodi plus Batson plus Natori (all of these latter references were relied upon in the previous Office Action of April 18, 2005) are patentably distinct over the prior art of record.

In particular, Kodosky describes a method for programming a computer to execute a procedure, based on a graphical interface which utilizes data flow diagrams to represent the procedure. The data flow diagram is assembled in response to the user input utilizing icons that correspond to the executable functions. A panel, representative of an instrument front panel is likewise assembled for the data flow diagram. An executable program is generated in response to the data flow diagram and the panel utilizing the executable functions (see Kodosky's

abstract). Thus, Kodosky permits a user of his computer to “write” a program that **models** a physical system, such as an instrument (col. 2, lines 22-24; col. 3, lines 55-56; and col. 7, lines 57-58 of Kodosky); but the model does not function as the instrument itself, and certainly not a digital oscilloscope, that connects processing elements to perform processing on actual input signals, as called for by Applicants’ claimed invention. Kodosky describes a process that “permits a user to construct a **virtual instrument** ...[that] includes a front panel which permits interactive use of the **virtual instrument** by a user” (col. 8, lines 37-42, emphasis added).

Those portions of Kodosky cited by the Examiner in his rejection of Applicants’ claims refer to Kodosky’s **modeling** of a **virtual instrument**, which, of course, is not the instrument itself. The modeled virtual instrument performs no processing on input signals. Rather, the modeled virtual instrument is helpful to the user to design or control an actual, physical device. The user still must build the physical instrument that he has modeled. There is no disclosure in Kodosky, nor is there any suggestion or even inference, of a digital oscilloscope, or of connecting processing elements within the digital oscilloscope by using graphical representatives of those processing elements to thereby construct a processing web for performing corresponding processing on one or more received input signals within the digital oscilloscope, as called for by all of Applicants’ claims. It is respectfully submitted, there is a significant, patentable difference between constructing a model of an instrument, as described by Kodosky, and constructing the actual, physical instrument, namely, the digital oscilloscope, as defined by Applicants’ claims. At best, Kodosky builds a virtual instrument from a computer, a function generator and a digital multimeter (col. 17, lines 38-41, cited by the Examiner); but this is not an operating, easily configurable digital oscilloscope as is attained by Applicants’ claims.

Accordingly, it is respectfully submitted, claims 1, 7, 14, 22, 28 and 35, all of the independent claims present in this application, are unobvious over Kodosky. Moreover, the addition to Kodosky of Sojoodi, Batson or Natori, even when taken in combination, still fail to suggest to one of ordinary skill in the art the digital oscilloscope or the method of configuring that digital oscilloscope, as recited in Applicants' claims. Consequently, claims 1, 7, 14, 22, 28 and 35 are in condition for allowance.

All of the remaining claims depend from a respective one of these independent claims. Thus, the dependent claims include all of the limitations of the independent claim from which they depend. Since these limitations distinguish the claims from Kodosky (and also from Kodosky in combination with Sojoodi, Batson and Natori), it follows that the dependent claims are allowable for the same reasons noted above.


Therefore, reconsideration an allowance of claims 1-42, all the claims present in this application, are respectfully solicited.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account no. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


William S. Frommer
Reg. No. 25,506
(212) 588-0800